IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10323 of 2004

Between:

1 C.Mani S/o C.Gangaiah
2 C.Valleyamma W/o Late C.Gangaiah
Both are residenents of Kattakinda Venkatapuram
Ramachandrapuram Mandal, Chittoor District

..... PETITIONERS

AND

1 The District Collector, Chittoor
2 The Land Acquisition officer Revenue Divisional Officer
Tirupathi, Chittoor District
3 Andhra Pradesh Industrial Infrastructure Corporation Limited,
Hyderabad, rep. by its Managing Director.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not taking into account the Ryotwari Patta granted under section 7(1) of the AP (A.A) Inams (Abolition and Conversion into Ryotwari) Act, 1956 in respect of an extent of Ac. 2.19 cents of land in Sy.No.516 (part) of Erramreddipalem village, Renigunta Mandal Chittoor District, which was taken possession of and in not paying compensation for the same is illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India , and consequently direct the respondents to pay compensation for the lands to the petitioners.

For the Petitioners : MR.P.ROY REDDY, ADVOCATE
For the Respondents 1 & 2 : THE G.P. FOR REVENUE

For the Respondent No.3 : Mr.E.MADAN MOHAN RAO
Standing Counsel for A.P.I.I.C.

The Court at the stage of admission made the following :

ORDER:

The present writ petition is filed questioning the action of the respondents in not paying compensation for the land acquired to an extent of Ac.2-19 cents in Survey No. 516 (part) Erramreddipalem village, Renigunta Mandal, Chittoor by taking into account the Ryotwari Patta granted under section 7 (1) of the A.P. (A.A) Inams (Abolition and Conversion into Ryotwari) Act, 1956.

It is stated that a ryotwari patta was granted to the father of the first petitioner in respect of the above stated land and that the said land was acquired by the third respondent for the purpose of expansion of industrial development. Pursuant to acquisition of land, an award was passed by the second respondent on 1-6-1983. It is also stated that compensation could not be granted in respect of the subject land since ryotwari patta was not granted by the date of Award. Later on, the Inam Deputy Tahasildar granted a ryotwari patta vide proceedings dated 5-1-1991, by which time, the subject land was already taken over by the third respondent corporation. The original pattadar i.e., C.Gangaiah died on 4-11-2002 and petitioners being legal heirs, had brought the same to the notice of the concerned Revenue Authorities and requested them to grant the compensation in respect of the subject land. Since no action was thereon, the petitioners stated to have issued a legal notice dated 28-4-2003 to the second respondent and the same remained unanswered.

Heard learned counsel for petitioner, learned Government Pleader for Revenue and Mr. E.Madan Mohan Rao for third respondent, they

agreed for disposal of the writ petition itself.

In the circumstances, the writ petition is disposed of directing the second respondent to examine the matter keeping in view the legal notice issued by the petitioners dated 28-4-2003 and pass appropriate orders on merits in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of copy of this order. No costs.

Sd/- M.A.NAYEEM PASHA
ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

23RD JUNE, 2004

TVK/DA

To

1 The District Collector, Chittoor
2 The Land Acquisition officer/Revenue Divisional Officer Tirupathi, Chittoor District
3 The Managing Director, Andhra Pradesh Industrial Infrastructure Corporation Limited, Hyderabad.
4 2 CCs to G.P. for Revenue, High Court, Hyderabad (OUT).
5. 2 CD copies